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Letter dated 29 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Uzbekistan to the United Nations addressed to the Secretary-General

Referring to the note verbale dated 11 April 2008 regarding preparation of the report to the General Assembly at its sixty-third session on the implementation of Assembly resolution 61/143 on the intensification of efforts to eliminate all forms of violence against women, I have the honour to convey the information on the measures to combat violence against women taken by Uzbekistan after December 2006 (see annex).

I would also appreciate it if you could circulate the present letter and its annex as a document of the sixty-second session of the General Assembly, under its agenda item 70.

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Annex to the letter dated 29 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Measures taken to eliminate violence against women in Uzbekistan since December 2006

1. General aspects and the gender equality framework

1.1. Since becoming an independent State, the Republic of Uzbekistan has demonstrated its commitment to the principles of gender equality. The Uzbek Constitution sets out basic provisions for equal rights for men and women, defines principles of maternal and child welfare and, most importantly, prohibits discrimination against individuals based on sex, age, national status, social status or religious affiliation. There is no gender imbalance in the constitutional provisions: everyone in Uzbekistan has equal political, civil, socio-economic and cultural rights.

1.2. The systematic legal and institutional development of the national mechanism to improve the status of women began in 1995, when Uzbekistan acceded to the Convention on the Elimination of All Forms of Discrimination against Women. Accession to that Convention, to the Convention on the Political Rights of Women and to the Convention concerning Maternity Protection, and the signing of the Beijing Platform for Action adopted at the Fourth World Conference on Women provided the necessary international legal framework for specific national measures to apply international standards to the legislation and activities of Government agencies.

1.3. The provisions of the Convention on the Elimination of All Forms of Discrimination against Women have been incorporated into the Uzbek Constitution and into election, family, labour, criminal, administrative and other legislation. A framework law on equal rights and opportunities for men and women is being prepared. In December 2007, Uzbekistan adopted a National Plan of Action for implementation of the recommendations made by the Committee on the Elimination of All Forms of Discrimination against Women after consideration of the Republic of Uzbekistan's periodic reports on implementation of the Convention. This is a substantial boost to the efforts to address existing problems in the implementation of women's rights and freedoms in all areas of life.

1.4. The efforts to secure the political rights of women, in addition to legislative strengthening of the principle of sex equality, have included a temporary special measure in the form of a 30-per-cent quota for women in the nomination of candidates for deputies' posts in the parliamentary elections.

1.5. The legislation of the Republic of Uzbekistan, in addition to civil and political guarantees of equality, provides for equal social and economic rights for men and women and also includes a whole series of additional rights and guarantees for women on account of their physiological features and their role as mothers. It also extends a significant number of the guarantees and benefits provided for women to fathers and other relatives caring for children in the absence of the mother. In cases specified by the legislation, family members have the opportunity to decide independently the question of which entitlement (such as the right to parental leave)

will be granted to which family member (the child's mother or father, grandfather, grandmother or other relative). In the interests of the mother and child, additional rights and guarantees are granted to the child's father (such as an entitlement to request leave while the mother is on pregnancy and birth leave).

1.6. The President of the Republic of Uzbekistan has adopted two special decrees: one to enhance the role of women in the development of the State and public life (2 March 1995) and another on additional measures to support the activities of the Women's Committee of Uzbekistan (24 May 2004). The Cabinet of Ministers of Uzbekistan has also adopted the corresponding rulings for implementation of the above-mentioned decrees. The Cabinet of Ministers has a Standing Committee that coordinates the programme of measures to implement Presidential decree No. 3434. Working groups of the Standing Committee make regular field visits to provide practical assistance for the activities of the *khokimiyat* (administrative agencies in the provinces and districts) to support local women's committees in implementing the decree.

1.7. Although the Women's Committee of Uzbekistan has the legal status of a social organization, it operates as the main mechanism for implementing government policy to tackle the problems of the country's women. The Chairperson of the Women's Committee is also a Deputy Prime Minister. In order to ensure women's participation in decision-making throughout the country, the chairpersons of the provincial, city and district women's committees are also appointed as deputy *khokims* and are responsible for promoting women's interests and for developing women's capacities at the local level. At the national level, women account for between 15 per cent and 20 per cent of all officials in the legislative, executive and judicial branches. At the local level, there are over 7,500 women consultants in local government agencies. A total of 76 women's non-governmental organizations are registered.

1.8. Although some success has been achieved, society still maintains some patriarchal attitudes, whereby men have power and women are subordinate to that power. The State does not support this old pattern of stereotypes, but is not yet able to eradicate it.

The equality of rights and opportunities for men and women does not only depend on the creation of the necessary legal conditions. It is also linked to cultural norms, customs, social traditions and religious views. Uzbekistan applies a legal policy of non-discrimination which is designed to eliminate the causes of inequality, but only a social environment that includes a gender perspective is capable of ensuring that the constitutional principle of sex equality is systematically observed. This is a challenging task and cannot be resolved by government action alone. It must be built into a process of reform throughout society.

2. Activities and resources to address violence against women

2.1. Legislation. The State protects all persons from violence without distinction of sex and does this by means of, inter alia, legislative acts such as the Criminal Code and the Administrative Liability Code. The criminalization of violence in general is a recurrent theme in the criminal and administrative legislation of Uzbekistan. The Criminal Code establishes criminal penalties for various forms of violence such as murder (article 97), inducement to suicide (article 103), infliction of serious or moderate bodily harm (articles 104-105), torture (article 110), criminal abortion and

forcing a woman to have an abortion (articles 114-115), rape and other forms of sexual violence (articles 118-129).

Article 122 of the Criminal Code of Uzbekistan concerning the non-payment of maintenance for minors or disabled persons was supplemented by a second part defining a similar offence when committed by serious repeat offenders.

The first part of article 127 concerning inciting a minor to commit anti-social acts was amended to include a fine of from 100 to 200 times the minimum monthly wage in the section on penalties.

Amendments to the Administrative Liability Code of Uzbekistan included the addition of two articles: one concerning not notifying the custody and guardianship agencies of children deprived of parental care (article 47.1), and another concerning violation of the requirements of laws relating to the referral of children deprived of parental care (article 47.2). The fine for the offence of inciting a minor to commit anti-social acts as defined in article 188 was also increased.

This Code was amended to include article 188.1 on inciting a minor to commit an administrative offence.

Articles 47.1, 47.2 and 188.1 of the Code define administrative penalties for the above offences, which are subject to the jurisdiction of administrative judges. It is also stipulated that cases involving administrative offences that were formerly considered under article 88 by the administrative commissions (article 246), commissions on cases involving minors (article 247) and internal affairs agencies (article 248) are to be referred for consideration by the administrative judges.

Amendments to article 13 of the Local Authorities Act provide for entrusting chairpersons of citizens' meetings with the social task of protecting the rights of minors, providing information to the custody and guardianship agencies concerning children deprived of parental care and providing assistance in referring such children to the appropriate governmental institutions.

Significant amendments have been made to article 149 of the Family Code of Uzbekistan. Officials of administrative institutions (preschools, secondary schools, health-care institutions etc.) and local government agencies and other citizens who are aware of the loss of parental care are obliged to inform the custody and guardianship agencies of the place of current residence of the children within seven days.

However, the existing criminal, criminal-procedural and administrative legislation on the whole does not make distinctions between the sexes and does not include a definition of or penalty for domestic violence, nor are there any legislative provisions that establish liability for denigration of the honour or dignity of women or children in the family. A law guaranteeing the rights of children was adopted.

2.2 Enforcement measures. According to statistical data from the Public Prosecutor's Office and the Ministry of Internal Affairs, at present the majority of crimes of murder, infliction of bodily harm to varying degrees, assault and denigration, forced early marriage and sexual crimes take place at home, within the family. In these crimes, the victims of violence are generally the weaker members of the family, namely women and children.

The law enforcement agencies — the police, the Public Prosecutor and the court system — are obliged to act immediately in all cases of violence and the country has an effective system of legal protection against violence.

2.3. Unfortunately, the majority of these crimes are covert and concealed, as the victims do not inform the law enforcement agencies of acts of violence that have been or are being committed against them because of fear of their husband (or father) or the pressure of family obligations, traditions, religious views or financial or other form of dependence. For this reason, the work of law enforcement agencies and local government agencies always includes a community outreach component.

2.4. International cooperation. In December 2007, Uzbekistan adopted the National Plan of Action for implementation of the recommendations of the Committee on the Elimination of All Forms of Discrimination against Women on the most recent national reports of Uzbekistan. With a view to contributing to implementation of the Committee's concluding observations, a joint project is being implemented by the Government and the United Nations Development Programme (UNDP) for legal and institutional capacity-building for women.

In accordance with the National Plan of Action, governmental and non-governmental organizations are to implement the following measures in 2007-2008 to eliminate violence against women:

(a) Drafting of proposals as to the advisability of adopting a framework law on all forms of violence against women, including violence in the family and rape within marriage;

(b) Compilation and inclusion of data on crime victims, including women and children, in the official statistical reports of law enforcement agencies;

(c) Introduction of mandatory special medical examinations and regular preventive examinations for adolescent girls in orphanages;

(d) Organization of centres to provide legal counselling services for women in difficult family situations;

(e) Preparation of a detailed report on services for victims of violence, including services provided at crisis centres and social rehabilitation centres, including details of women's access to such services and their scope and effectiveness.

3. Measures to end impunity and protect women against violence

3.1. See sections 1.2. and 2.2.

3.2. The Civil Code of the Republic of Uzbekistan contains provisions for compensation for damage to physical or mental health (articles 1005, 1006, 1014, 1021 and 1022).

4. Measures to prevent violence against women

4.1. See sections 2.1. to 2.4.

4.2. Efforts are being made to secure the social rights and freedoms of women. The report of the Women's Committee of Uzbekistan on implementation of the Convention on the Elimination of All Forms of Discrimination against Women was

presented to the Senate of the Oliy Majlis. In February 2008, the Senate of the Oliy Majlis of Uzbekistan and the Committee for Foreign Affairs held a round-table discussion on the topic of "women, government and society". The participants included representatives of State and social organizations, members of the diplomatic corps and representatives of law enforcement agencies. In 2007, the Ministry of Justice Collegium devoted one of its sessions to implementation of Presidential Decree No. 3434 and to issues relating to the protection of family and labour rights, while a joint research and practice conference was held on the topic of "women, family and society". At a joint meeting of the Committee and the Supreme Court, consideration was given to family and matrimonial conflicts and measures to end violations of the rights of women and children.

At meetings of the political party groupings Adolat and the Popular Democratic party of Uzbekistan, together with members of the other three parties in the Legislative Chamber of the Oliy Majlis, there was a broad discussion of issues relating to improving the status of women and enhancing their role in society in Uzbekistan. The corresponding recommendations were adopted.

The following actions were carried out as part of a joint Government and UNDP project on legal and institutional capacity-building for women:

(a) A working group of legal experts was set up to analyse the status of current legislation and to prepare recommendations to amend, supplement or adopt new legal regulations or legislative acts to enhance legal protection for the rights of women in Uzbekistan;

(b) An analytical summary has been prepared on improving the procedural and institutional basis for implementing women's rights in Uzbekistan, based on the results of a gender analysis of current legislation;

(c) A guide to gender analysis of the current legislation has been prepared for deputies.

5. Services for victims of violence against women

5.1. An important role is played by the women's social rehabilitation centres that were set up through an initiative of the Women's Committee of Uzbekistan and operate throughout the Republic. The operational experience of these centres, which operate in every district of the Bukhara province, has been applied at the national level. At present there are 64 such centres operating in the country (including 40 in Bukhara and 11 in Navoiy). The necessary conditions have been established in Namangan, Fergana, Andizhan, Kashkadar'inskaya and Surkhandar'inskaya for the operation of provincial centres offering social and legal support for women. They have office equipment, hardware and software, and rooms where women receive instruction in baking, computer literacy and sewing. Counselling is available from psychologists, lawyers and doctors. The United Nations Population Fund provides technical support, that is, it has purchased office and other equipment. Technical assistance will be provided to centres in the Samarkand and Dzhizak provinces and in the Republic of Karakalpakstan. In 2007 these centres have provided assistance to 1,285 women on legal questions, to 149 women on social issues and 185 on health matters. A total of 356 courses and 20 seminars have been held.

One example of successful provision of services to victims of violence is the activity of the "Oydin Nur" Centre for Social Defence of the Family (Bukhara

province) (formerly the "Oydin Nur" Women's Crisis Centre) established in 1999. The Centre offers the following types of services:

- A telephone help line;
- Psychological support;
- Legal advice;
- Services of a public defender for women;
- Temporary accommodation;
- Assistance with finding employment.

From January 2001 to April 2008, 9,500 calls and individual visits were made as a result of the help line. On 1 September 2004 the Centre began to organize free legal advisory services, and by December 2007, 450 clients had received advice. Some of these clients received seven or eight advisory sessions over the course of five or six months of court proceedings. For 35 clients, the Centre provided the services of a public defender to safeguard women's interests in legal proceedings.

On 14 November 2007, a temporary shelter began to operate at the Centre. From January 2007 to April 2008, 13 women and 12 of their children found refuge at the shelter.

6. Awareness-raising on violence against women

The joint Government-UNDP project "legislative and institutional capacity development for women's empowerment" has carried out the following activities in this area:

(a) Translation of the text of the concluding observations of the Committee on the Elimination of All Forms of Discrimination against Women into the Uzbek language and its dissemination in educational campaigns for law enforcement officials (lawyers and prosecutors), teachers, journalists and staff of higher educational establishments and non-governmental organizations;

(b) Provision of courses for trainers in skills for teaching and disseminating information on the Convention on the Elimination of All Forms of Discrimination against Women on the subject of legal awareness in relation to gender issues and the Convention. The graduates of the courses for trainers have provided training for various target groups (law enforcement officers, *makhallyas* and *khokimiyat*, doctors and social workers, journalists and university and schoolteachers;

(c) An international seminar on international and national experience in improving family protection mechanisms (in cooperation with the Embassy of France);

(d) Seminars for staff of the Public Prosecutor's Office and for lawyers on implementation of the Convention on the Elimination of All Forms of Discrimination against Women to resolve family conflicts in law enforcement practice: Mechanisms for resolving family conflicts, experience of Russia and Uzbekistan (joint activity with the Embassy of Switzerland);

(e) Publication of a collection of scientific articles as an introduction to the theory and practice of gender relations and its distribution to state libraries and the libraries of higher educational establishments;

(f) Provision of training for graduate students, doctoral students and sociologists on methods for conducting scientific research and for writing reports on women's rights;

(g) Holding of a competition for journalists of the Republic for the best coverage of women's rights issues in the media;

(h) Provision of training for doctors (obstetrician-gynaecologists and family doctors) in recognition, prevention and assistance for victims of domestic violence;

(i) Provision of training to increase legal literacy concerning women's rights issues and implementation of the National Plan of Action for *khokimayat* and *makhallya* employees;

(j) Provision of courses for the preparation and writing of the regular periodic report for the Committee on the Elimination of All Forms of Discrimination against Women, which will be submitted by Uzbekistan in August 2008.

6.2. A manual is being prepared for the students of the Muradov Academy of the Ministry of Internal Affairs on the prevention of domestic violence in the family. A graduate student of the Academy is conducting research on the theory and practice of prevention of criminal violence in the family. In that context, there are plans to study the status of gender equality and the prevention of domestic violence in relation to women and girls. Regular awareness-raising and outreach activities take place for the staff, students and trainees of the Academy on the role of women in the family and in practical activity.

6.3. In order to provide assistance to victims of domestic violence as indicated in section 5.1., the Centre in Bukhara works in partnership with the Women's Committee, the reconciliation commissions of the *makhallya* committees, prevention officers in police departments, judges and staff of the Public Prosecutor's Office to organize training seminars, round tables and conferences. The Centre's seminars have provided training for a total of 1,668 people from the above-mentioned organizations in issues of women's rights and domestic violence. In addition, the Centre organizes meetings, round tables and question-and-answer evenings for the inhabitants of the city of Bukhara and the surrounding area. Over 1,000 inhabitants of the Bukhara province have taken part in such meetings.

The Centre is an active advocate for non-violent family relationships. The Centre has produced six (single sheet) brochures on the following topics: laws protecting women; no woman deserves violence; and family conflicts and how to resolve them. It has also produced two documentary films: "Disputes, divisions, divorces" (22 minutes) (about the violence inflicted on women during the process of divorce) and "My mother makes all the decisions in this house" (18 minutes) (about the violence inflicted on a daughter-in-law by her mother-in-law). Members of the Centre's staff have published 41 articles on women's problems in the Bukhara provincial newspaper and have appeared in eight television programmes.

7. Data collection on violence against women

7.1. Data is collected by Uzbek law enforcement agencies, mainly by the internal affairs bodies.